

Remarks

This amendment is filed in response to the Office Action issued September 14, 2006. Claims 1-24 are pending in the application. Claims 1 and 23 are independent. Claims 1, 3 and 23 have been amended. No new matter has been added.

Claim 1 has been amended to more particularly point out the features of the central body: “the central body is elongated and substantially linear and extends along a longitudinal axis of the device.” The Office Action rejected claims 1-7, 9, 10, 14-19, 23 and 24 under 35 U.S.C. 102(e) as being anticipated by Neuss et al. (US 6355052). The device illustrated in Neuss is made up of elements in which “the shape of an undulating three-fold curve with two outer curves 4, 6 and one inner curve 5 can be seen... The elements 1 are connected to each other at their end via ball-shaped connection sites 2.” (Neuss, Col. 10, ll. 57-62.) In the patient’s body, i.e., in a deployed state, “[t]he body supports itself elastically against the margin of the defect opening via the point 8 of the middle (second) curves 5 lying nearest to the longitudinal axis 3, i.e. via the peaks of the middle curves 5, as a result of which a more secure fit of the device in the defect and a successful closure are ensured.” (Neuss, Col. 11. ll. 18-24.) Neuss incorporates wires that extend from one end of the device to the other and are shaped to define a curved portion that passes through the defect in the deployed configuration. Accordingly, Neuss does not teach or suggest that the central body, in a deployed configuration, is “elongated and substantially linear and extends along a longitudinal axis of the device.” In fact, Neuss teaches away from a center portion that is not curved because Neuss relies on the middle curves 5 to hold the device in place. Claim 1 is believed to be allowable over the prior art for at least this reason. Claims 2-22 depend from claim 1 and are believed to be allowable as depending from an allowable base claim

Independent claim 23 has been amended analogously to claim 1. Accordingly, claim 23 is also believed to be allowable over the prior art. Claim 24 depends from claim 23 and is believed to be allowable as depending from an allowable base claim.

Claims 11-13 and 20 -21 were rejected under 35 U.S.C. 103(a) further in view of Huebsch et al (US 6117159). These claims are believed to be allowable as depending from an allowable base claim.

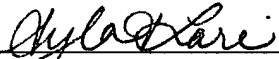
Claim 22 was rejected under 35 U.S.C. 103(a) over Neuss and Huebsch and further in view of Shaw (US 6171329). Claim 22 is believed to be allowable as depending from an allowable base claim.

Claim 8 was rejected under 35 U.S.C. 103(a) further in view of Ruiz (US 5976174). Claim 8 is believed to be allowable as depending from an allowable base claim.

In view of the above amendment, applicant believes the pending application is in condition for allowance. A petition for a two-month extension of time is enclosed. Please charge any fees due in connection with this application or credit any overpayments to Deposit Acct. No. 08-0219.

Respectfully submitted,

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